REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on May 22, 2006, the Examiner rejected Claims 1-11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner also rejected claims 1-11 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,889,243 to Hondou et al. (hereinafter "Hondou"). Accordingly, Applicant respectfully provides the following. Claims 1, 5-8, and 10-11 have been amended. Claims 66-75 have been canceled. Claims 76-92 are new and depend from and add additional limitations to claim 1.

1. Claim Rejections under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 1-11 for lack of clarity and lack of antecedent basis. In response, Applicants have amended these claims to correct each of the problems noted by the Examiner. Accordingly, Applicants respectfully submit that the amended claims satisfy the requirements of section 112 and request withdrawal of the Examiner's rejections under this section.

2. Claim Rejections under 35 U.S.C. § 103(a).

The Examiner rejected claims 1-11 under Section 103(a) as being unpatentable over Hondou. In response, Applicants amended independent claims 1 and 66 and provide the following explanation.

The standard for a Section 103 rejection is set forth in M.P.E.P 706.02(j), which provides:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations**. The teaching or suggestion to make the claimcd combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added). Applicants respectfully submit that the reference cited by the Examiner does not teach or suggest all the limitations claimed in the claim set provided herein.

Specifically, the only independent claim, claim 1, requires "providing a virtual job account and a virtual allocation account which combined correspond to an actual account, wherein each of said virtual job account and said virtual allocation account comprises a balance, which balance represents a fraction of funds available from said actual account." In the Office Action, the Examiner claimed that "Hondou discloses a virtual job account, e.g. 117, and an allocation account e.g. 114, an actual account, e.g. 104, 115." Applicants respectfully disagree.

Hondou has absolutely nothing to do with budget management of a business. Instead, Hondou deals with managing the timing and allocation of computer processing jobs in a computer system to shorten the job processing time. (Col 1 lines 10-16, Col 2 lines 7-10) The cited disclosure of Hondou include items that use the term "job" but are clcarly not the accounts claimed by Applicants. Specifically, what the Examiner called a virtual job account, element 117, is actually a "job catalog 117" used to catalog the various jobs to be tasked to the computer

processor. (Col 5 lines 29-33) What the Examiner called an allocation account, element 114, is actually "parameter information 114" which is not an allocation account but is "CPU processing information . . . [including] the number of spaces . . . a CPU performance ratio . . . the designation concerning the output of simulation result, and so forth." (Col 6 lines 10-21, Figure 3) Finally, what the Examiner claimed was an actual account, either element 104 or 115 are "a job scheduling analysis portion 104" and "historical job execution data 115" respectively, and have absolutely nothing to do with an actual account having funds available.

Because Hondou does not teach or suggest the virtual and actual accounts claimed in claim 1, Applicants respectfully request removal of the rejection. Claims 2-11 and 76-92 depend from claim 1 and are at least allowable for the same reasons. Therefore, Applicants respectfully request removal of all remaining rejections under 35 U.S.C. § 103(a).

In addition, in accordance with MPEP 2144.03(c), Applicants respectfully traverse the Official Notice taken by the Examiner that automatically adjusting a balance of virtual accounts in real time has been well known in the accounting art. Applicants respectfully note that it may be that the Examiner is mixing commonly-known budgets with the virtual accounts claimed by the Examiner. Updating budgets as may commonly be done by hand or at some later time using financial software is not the same as automatically adjusting a balance of a virtual account in real time. Applicants respectfully submit that the use of overlaid virtual accounts as disclosed in the application was not well-known in the art at the time of the application. Because Applicants' virtual accounts are different from the budgets commonly used in the art, Applicants respectfully submit that adjusting a balance of a virtual account is not well known in the art.

Because Applicants have traversed the Official Notice and specifically pointed out the errors in the Examiner's attempted Official Notice, Applicants respectfully request removal of the Official Notice under MPEP 2144.03(c). As provided in MPEP 2144, official notice should only rarely be used and even then is only proper when the facts being noticed are "capable of instant and unquestionable demonstration as being well-known." Because Applicants spccifically contend that the use of virtual accounts as disclosed in the application are not well-known in the art, Applicants respectfully request that the Examiner comply with MPEP 2144.03(c) and either remove the official notice of facts or provide documentary evidence demonstrating that the information is well known.

CONCLUSION

If any impediments to the allowance of this application for patent remain after the above amendments and remarks are entered, the Examiner is invited to initiate a telephone conference with the undersigned attorney of record.

DATED this 21st day of September, 2006.

Respectfully submitted,

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